

REMARKS

Claims 2, 3, 10, 13, 15 and 17-27 are all the claims pending in the application.

Claims 15, 17, 21, 22 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by previously-cited Abe (US 5,568,194).

Claims 2, 3, 19, 20 and 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by previously-cited Terashita (US 5,767,983).

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of previously-cited Ishikawa et al. (US 5,682,573).

Claims 10 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terashita in view of previously-cited Saito (US 5,010,393).

Claims 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terashita.

Claim 15 is amended herein to include the limitations of claim 21, which depends from claim 15. The Examiner interprets the 8x8 blocks in Abe to correspond to the thumbnail image signals. Applicant submits that the limitation of claim 21 of each of the thumbnail image signals producing an image duplicative of its respective image of the plurality of images and having a reduced physical appearance in relation to its respective image of the plurality of images is not taught or suggested by Abe. In Abe, images are divided into N blocks of 8x8 pixels. In other words, each of the blocks represents only a portion of the entire image. Thus, none of the blocks represents an image which is duplicative of its respective image. Instead, each of Abe's blocks represents only a 1/N portion of an image, which is not duplicative of the image, since it is only a small portion of the image. Therefore, claim 15 is not anticipated by the prior art. The

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/225,486

Examiner's reliance on col. 3 of Abe describes a luminance comparison which does not describe the thumbnail characteristics of claim 15, as amended.

In conjunction with the amendment to claim 15, Applicant cancels claim 21.

Claims 17, 22, and 26 are allowable over the prior art, at least because of the dependence from claim 15.

For claim 18, Applicant submits that claim 18 is allowable over the prior art, at least because of its dependence from claim 15 and because Ishikawa does not make up for the deficiencies of Abe described above.

With regard to the rejection of claims 2, 3, 19, 20 and 27 as being anticipated by Terashita, the Examiner provides comments in the "Response to Arguments" on page 2 of the Office Action. Specifically, the Examiner points to col. 17, lines 26-27 and col. 3, lines 12-16 of Terashita and asserts that the tricolor average density disclosed in Terashita, which is defined as $(R+G+B)/3$, is a total average corresponding to the claimed total average of averages. The Examiner contends that determining individual color averages and then averaging them is equivalent to the tricolor average disclosed in Terashita. However, Terashita does not contemplate determining individual color averages as the Examiner suggests, but merely determines an individual color density. Therefore, it appears that the average of averages is not suggested by the reference, but merely a hypothesis posed by the Examiner made in view of the claim recitations.

Regarding claims 10 and 13, Applicant argued in the June 25 Amendment that Saito does not disclose that the characteristic value, when each of the digital image signals is composed of RGB color signals, is a value regarding chroma or color saturation of each of the digital image

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/225,486

signals. In the “Response to Arguments,” the Examiner mentions that he interprets obtaining a value of chroma as extracting a value regarding chroma. Also, the Examiner views the value regarding chroma as a characteristic value of an image sensing device. However, the Examiner has provided no support for his contention that the value of chroma is a characteristic value representing a characteristic of an image sensing device. Rather, the Examiner appears to be simply assuming this point. In Saito, the chroma information is described with reference to one screen of the image, not a characteristic value representing a characteristic of an image sensing device. Thus, Applicant submits that claims 10 and 13 are allowable over the prior art.

For the rejection of claims 23-25, the Examiner takes Official Notice that having a characteristic value relating to tone and sharpness was well known in the art at the time of the invention. However, the Examiner has provided no support for this assertion. Therefore, Applicant submits that the Examiner should either provide a supporting reference or remove the rejection. Moreover, claim 20, from which claims 23-25 depend, recites extracting a characteristic value ... from digital image signals of a plurality of images. This feature would not have been obvious in view of Terashita.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/225,486

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Cameron W. Beddard
Registration No. 46,545

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 7, 2005